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In re Application of :  
Sago et al. : DECISION ON  
Application No.: 10/662,669 : PETITION  
Filing Date: 15 September 2003 : UNDER 37 CFR 1.182  
For: OPTICAL CONNECTOR WITH MEMORY :  
FUNCTION :

This decision is in response to applicant's "PETITION TO CONVERT FILING BASIS FROM 35 U.S.C. § 111 TO 35 U.S.C. § 371 AND ISSUE A FILING RECEIPT UNDER 35 USC §371" which has been treated as a petition under 37 CFR 1.182. The \$130 petition fee has been paid.

BACKGROUND

On 08 January 2003, applicant filed international application PCT/JP03/00082 that claimed priority of an earlier Japanese application which was filed 15 January 2002. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 24 July 2003. Accordingly, the thirty-month period for paying the basic national fee for the national stage in the United States expired at midnight on 15 July 2004.

On 15 September 2003, applicant filed a transmittal letter for the filing of a United States patent application which was accompanied by, *inter alia*, a copy of the application, a preliminary amendment and the filing fee of \$750. These papers were assigned application number 10/662,669. The transmittal letter indicated that the application was being filed under 35 U.S.C. 111(a).

On 05 December 2003, the United States Patent and Trademark Office (USPTO) mailed applicant a "NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION FILED UNDER 37 CFR 1.53(b)" and the "FILING RECEIPT."

On 09 February 2004, applicant filed the current response asking that the application be converted to a filing under 35 U.S.C. 371.

### DISCUSSION

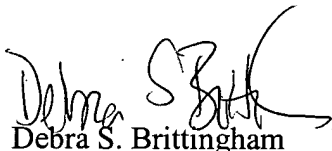
It is first noted that while the application papers filed 15 September 2003 contained instructions to treat the submission as a national stage submission under 35 U.S.C. 371 (see e.g., the Remarks section of the preliminary amendment), the transmittal letter clearly indicated a filing under 35 U.S.C. 111 at the bottom thereof. Accordingly, the submission was properly treated as a filing under 35 U.S.C. 111(a). See 37 CFR 1.495(g).

U.S. Statutes and Regulations do not make specific provision for the requested action and as such the Office does not grant such petitions for conversion as a mere matter of course. The Office will only grant such petitions upon a showing by applicant of sufficient cause (e.g., the loss of patent rights) where no other remedy is available. Petitioner has not provided such a showing.

### CONCLUSION

For reasons above, the petition is hereby DISMISSED.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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